

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GRAHAM CHASE ROBINSON,

Plaintiff,

- against -

ROBERT DE NIRO and
CANAL PRODUCTIONS, INC.,

Defendants.

Case No.: 1:19-cv-09156 (LJL) (KHP)

**DECLARATION OF
GREGORY R. BENNETT
IN SUPPORT OF DEFENDANTS'
MOTION FOR SANCTIONS**

Gregory R. Bennett, an attorney duly admitted to practice before the United States District Court, Southern District of New York, declares pursuant to 28 U.S.C. §1746:

1. I am a Partner at Traub Lieberman Straus & Shrewsbury, LLP, attorneys for Defendants Robert De Niro and Canal Productions, Inc. (collectively, “Defendants”). I submit this declaration in support of Defendants’ motion seeking an order, pursuant to Fed. R. Civ. P. 11, 28 U.S.C. §1927 and the Court’s inherent power, imposing sanctions on Plaintiff and her counsel as a result of their commencement of frivolous (i) equal pay claims under federal and state law (the “EPA Claims”), (ii) a claim seeking overtime compensation under the New York Labor Law (the “OT Claim”) (collectively, the “Frivolous Claims”), and (iii) for maintaining the Frivolous Claims without any colorable basis in law or fact throughout the discovery phase of this action, along with such other and further relief as the Court may find appropriate.

2. Annexed here as **Exhibit 1** is a true and correct copy of the complaint, dated October 3, 2019 (ECF #1) filed by plaintiff, Graham Chase Robinson (“Plaintiff”).

3. Annexed here as **Exhibit 2** is a true and correct copy of the deposition transcript from Day 1 of Plaintiff’s deposition, taken on December 20, 2021 (ECF #160).

4. Annexed here as **Exhibit 3** is a true and correct copy of the deposition transcript from Day 2 of Plaintiff’s deposition, taken on February 9, 2022.

5. Annexed here as **Exhibit 4** is a true and correct copy of Plaintiff's medical report, by Dr. Jessica W. McCarthy, dated December 21, 2021, produced by Plaintiff, bearing bates-stamped range: ROBINSON00016396-99.

6. Annexed here as **Exhibit 5** is a true and correct copy of the transcript from the deposition of Daniel Harvey, taken on January 5, 2022.

7. Annexed here as **Exhibit 6** is a true and correct copy of an email, dated July 20, 2017, from Canal's accountants indicating Plaintiff's compensation and further increases of same, bearing bates-stamped no. CANAL_0019293.

8. Annexed here as **Exhibit 7** is a true and correct copy of an email, dated July 18, 2017, from Plaintiff to Mr. De Niro, produced by Defendants, bearing bates-stamped no. CANAL_0045910.

9. Annexed here as **Exhibit 8** is a true and correct copy of an email thread from November 2017 between Plaintiff and Mr. De Niro, produced by Plaintiff, bearing bates-stamped range: ROBINSON00003284.

10. Annexed here as **Exhibit 9** is a true and correct copy of an email thread from December 2017 between Plaintiff and Mr. De Niro, produced by Defendants, bearing bates-stamped range: CANAL_0045968-69.

11. Annexed here as **Exhibit 10** is a true and correct copy of an email thread from February 2019 between Plaintiff and Mr. De Niro's son, produced by Defendants, bearing bates-stamped range: CANAL_0023017-20.

12. Annexed here as **Exhibit 11** is a true and correct copy of an email thread from March 2019, produced by Defendants, bearing bates-stamped range: CANAL_002450-58.

13. Annexed here as **Exhibit 12** is a true and correct copy of an email, dated June 4, 2019, with its corresponding attachment, from Plaintiff to Mr. De Niro, along with Canal's counsel, produced by Defendants, bearing bates-stamped range: CANAL_0049267-71.

14. Annexed here as **Exhibit 13** is a true and correct copy of the transcript from the deposition of Robin Chambers, taken on January 13, 2022.

15. Annexed here as **Exhibit 14** is a true and correct copy of an email thread, from June 2018, produced by Defendants, bearing bates-stamped range: CANAL_0052117.

16. Annexed here as **Exhibit 15** is a true and correct copy of the transcript from the deposition of Sabrina Weeks-Brittan, taken on January 10, 2022.

17. Annexed here as **Exhibit 16** are true and correct copies of documents and communications, produced by Defendants, bearing bates-stamped nos. CANAL_0049927-928; CANAL_0049941; CANAL_0049930; CANAL_0049924-49926; CANAL_006929-6932; CANAL_0049936-937; CANAL_0049938; CANAL_0049942; CANAL_0049944; and CANAL_0049945, which highlight Plaintiff's negotiation of perk budgets that reflect Mr. Harvey's role as a personal trainer.

18. Annexed here as **Exhibit 17** is a true and correct copy of an email, dated March 25, 2019, produced by Defendants, bearing bates-stamped range: CANAL_049919-20.

19. Annexed here as **Exhibit 18** is a true and correct copy of an email thread, dated February 24, 2017, produced by Defendants, bearing bates-stamped range: CANAL_049947-49.

20. Annexed here as **Exhibit 19** is a true and correct copy of an email produced by Defendants, dated February 22, 2017, bearing bates-stamped range CANAL_0008792-95.

21. Annexed here as **Exhibit 20** is a true and correct copy of Defendants' Responses to Plaintiff's First Request for Documents, dated March 6, 2020.

22. Annexed here as **Exhibit 21** is a true and correct copy of Defendants' Responses to Plaintiff's Second Request for Documents, dated June 18, 2020.

23. Annexed here as **Exhibit 22** is a true and correct copy of the Master List of ESI Searches, agreed to apply to ESI custodial sources by the parties.

24. Annexed here as **Exhibit 23** are true and correct copies of communications among counsel from February 2020.

25. Annexed here as **Exhibit 24** are true and correct copies Plaintiff's Objections and Responses to Defendants' First Requests for Admission ("RFAs") (ECF #[109-2](#)) and Plaintiff's Amended Objections and Responses to RFAs (ECF #[109-3](#)).

26. Thus far, Defendants' counsel have reviewed in excess of 75,000 documents, consisting of emails, text messages and related documents, following application of the search terms. Defendants have produced 52,540 pages in discovery (and counting).

Dated: Hawthorne, New York
April 1, 2022

Gregory R. Bennett

Gregory R. Bennett